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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,248	01/23/2004	Kathleen M. Frigon	MFCP.110229	8055

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EXAMINER

BLACKWELL, JAMES H

ART UNIT PAPER NUMBER

2176

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,248

Applicant(s)

FRIGON ET AL.

Examiner

James H. Blackwell

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 and 34-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an amendment filed 06/13/2006 with a priority date of **01/23/2004**.
2. Claims 1-32 and 34-39 are pending. Claims 1, 20, and 34 are independent claims.
3. Claim 33 was incorporated into Claims 1, 20, and 34 and was then cancelled by the Applicant.

Claim Objections

4. Claim 17 is objected to because of the following informalities: Claim 17 depends on itself. For purposes of examination, it was assumed that Claim 17 depended from Claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 5-6, 20, 22, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman (U.S. Patent No. 5,680,563 filed 07/25/1994, issued 10/21/1997) in view of Bolnick et al. (hereinafter Bolnick, U.S. Patent No. 5,838,317 filed 06/30/1995, issued 11/17/1998).

In regard to independent Claim 1 (and similarly independent Claims 20, and 34), Edelman teaches the limitation of *one or more filters selectable by the user which may be applied to said plurality of items to select one or more filtered items each of said filters having an associated default grouping* (see Figs. 2, 5-8 showing menus with filters for controlling what icons are displayed on the desktop display; Fig. 6 shows a submenu for Filters that shows the ways that the icons can be grouped and displayed on the desktop).

It is also noted that Edelman teaches that the filtered out items are gathered into a bundle of unusable items and displayed in a group (Abstract).

Edelman fails to disclose the limitation of *an item grouping component configured to divide said one or more filtered items into a plurality of groups automatically in accordance with at least one default grouping associated with one of said one or more filters, wherein each of at least a portion of said plurality of groups include one or more group characteristics shared by the items in the group*. However, Bolnick discloses a desktop onto which a user can define a plurality of regions (frames) into which graphical representations of files, folders, applications (icons) will be automatically placed (grouped) upon a user dropping those icons (or presumably creating those icons as one would create a new file and then save it) into a given frame according to rules assigned to each of the frames as to what content should be placed into those frames. This automatic feature is switched on within the defined preferences assigned to a given frame via an Auto-Fetch field 122 which specifies whether the display arrange system will automatically place a displayed moveable graphical representation corresponding to

Art Unit: 2176

a computer resource meeting the filter criterion for a frame within the border of the selected frame assuming all other conditions are met (i.e., empty cells exist, the frame has precedence over other frames having acceptable filter properties, etc.). When an object is dropped by a user onto the Desktop, precedence is first given to a frame that receives the drop, then from lowest to highest index value in all frames in which the Auto-Fetch field 122 has been set. The Auto-Arrange field 120 is automatically set for a frame when the Auto-Fetch field 254 is set for the frame. Therefore, local tidying is invoked whenever a new icon or minimized window is added to a frame via the auto-fetch automatic behavior for the frame. The Auto-Fetch automatic behavior is disabled in all frames where the Filtering field 68 specifies full query filtering (Col. 12, lines 29-46). It is also noted that each of the graphical representations have associated with them a number of parameters describing such things as file size, type, etc. Thus, Bolnick discloses an automatic grouping of objects (icons) on a display screen according to rules.

Edelman also fails to disclose the limitation of *an item presentation display component which presents to the user at least a portion of said plurality of groups wherein said portion of said plurality of groups are presented along with one or more group titles that indicate at least one of said one or more group characteristics.*

However, Bolnick discloses such a limitation (see Fig. 1; discloses claim limitation including group titles).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Edelman and Bolnick as both inventions relate to

Art Unit: 2176

layout and grouping items on a display. Adding the teaching of Bolnick provides the benefit of the grouping and display to be performed automatically and according to rules.

In regard to dependent Claims 2 and 5, Edelman teaches that *one or more of the filtered items has an associated visual representation, which may be presented to the user* (Figs. 5-8 depict items as icons, the icons portraying what sort of files they are). Claim 5 relates similar subject matter to that of Claim 2 and is rejected along the same rationale.

In regard to dependent Claim 6 (and similarly dependent Claims 22, and 36), Edelman teaches that *said selected filter chooses said filtered items by selecting items having one or more desired characteristics* (see Abstract; all items not matching a particular characteristic are filtered out)

7. Claims 3-4, 7-19, 21, 23-32, 35, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman in view of Bolnick, and in further view of Engst ("iPhoto 2 for Mac OS X: Visual Quickstart Guide", Copyright 04/21/2003, Peachpit Press).

In regard to dependent Claims 3-4, 21 and 35, Edelman fails to explicitly disclose the limitation that *one or more of the filtered items are digital images*. However, Engst teaches a display screen that displays users digital images, which are typically photographs (Pgs 1-3). Claims 4, and 21 relate similar subject matter to that of Claim 3 and are rejected along the same rationale.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Edelman and Engst as both inventions relate to organizing and displaying objects on a screen. Adding the teaching of Engst provides the benefit of a convenient way to organize digital images on a computer.

In regard to dependent Claims 7-14, 23-25 and 37, Edelman fails to disclose the limitation that *said selected filter chooses the filtered items by selecting items having an associated date and/or time within a desired interval of time*. However, Engst teaches that date/time information can be added into a title; and the content of titles are searchable (Pgs. 4-6). The dates/times that are input can be searched. Matches are then displayed accordingly (alphabetically, numerically increasing/decreasing order). Claims 8-14, and 23-25 relate similar subject matter to that of Claim 7 and are rejected along the same rationale. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Edelman and Engst as both inventions relate to organizing and displaying objects on a screen. Adding the teaching of Engst provides the benefit of organizing and displaying digital images on a computer based on specified characteristics (metadata).

In regard to dependent Claims 15-16, 27-28 and 38, Edelman fails to explicitly disclose the limitation that *said selected filter chooses said filtered items by selecting items stored within a desired file folder*. However, Engst teaches albums, which are individual folders that act to group photographs with similar attributes (e.g., subject matter, rolls, etc) (Pgs. 7-9 show various albums (folders)). Claims 16, and 27-28 relate similar subject matter to that of Claim 15 and are rejected along the same rationale. It

Art Unit: 2176

would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Edelman and Engst as both inventions relate to organizing and displaying objects on a screen. Adding the teaching of Engst provides the benefit of organizing and displaying digital images on a computer by albums.

In regard to dependent Claim 17-19, 29-31 and 39, Edelman fails to disclose the limitation that *said selected filter chooses said filtered items by selecting items associated with one or more desired keywords*. However, Engst teaches searching (filtering) photos according to keywords that are assigned to them (Pg. 10-12). Claims 18-19 relate similar subject matter to that of Claim 17 and are rejected along the same rationale. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Edelman and Engst as both inventions relate to organizing and displaying objects on a screen. Adding the teaching of Engst provides the benefit of organizing and displaying digital images on a computer by similar keywords.

In regard to dependent Claim 26, Edelman fails to explicitly disclose the limitation that *said default grouping utilizes one or more gaps in time to group the filtered digital images*. However, Engst teaches the concept of a film roll, which are groupings of photographs taken/loaded over the same time interval. Multiple rolls are displayed separately where gaps in time would exist thereby separating/grouping the rolls by time/date (Pgs. 10-12). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Edelman and Engst as both inventions relate to organizing and displaying objects on a screen. Adding the teaching

of Engst provides the benefit of organizing and displaying digital images on a computer by temporal gaps.

In regard to dependent Claim 32, Edelman teaches that *the one or more group characteristics are subsets of the desired characteristic* in that The filtering system is provided with a flexible interface by using object-oriented programming techniques and providing filtering objects organized in a filtering framework containing the filter objects. New filter objects can inherit function from existing filter objects and customized for a particular requirement (Col. 1, lines 48-52). Thus, filtering objects can be arranged and filtered hierarchically whereby characteristics (objects) may have parent (superset) or children (subsets) characteristics (objects). Thus, when filtering takes place, filtering objects would be grouped according the hierarchy.

Response to Arguments

8. Applicant's arguments, see amendment, filed 06/13/2006, with respect to the rejection(s) of claim(s) 1-39 under Edelman and Edelman in view of Engst have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Edelman in view of Bolnick and Engst. It is felt that Bolnick discloses the amended limitations applied to the independent claims. Bolnick discloses a desktop layout system that organizes (groups) graphical representations of folders, files, and applications automatically according to rules as applied to characteristics associated with the graphical representations (icons).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2176

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James H. Blackwell
08/24/2006


WILLIAM BASHORE
PRIMARY EXAMINER